



685 3rd Avenue • 18th Floor • New York, NY • 10017  
tel 212-999-7100 • fax 212-999-7139 • wshblaw.com

Bolam Kim

direct dial (212) 999-7133  
email bkim@wshblaw.com  
refer to 10763-0002

April 19, 2024

**MEMO ENDORSED**

*VIA ECF*

**Honorable Jessica G. L. Clarke**  
**United States District Judge**  
**United States District Court**  
**Southern District of New York**  
500 Pearl Street, Room 1040  
New York, NY 10007

Re: ***Matthew Pike v. The City of New York, Hornblower Cruises and Events, LLC, Hornblower Metro Ferry, LLC and Hornblower New York, LLC***  
Our Client: The City of New York  
Docket No.: 23-CV-00966-JGLC  
Date of Loss: November 18, 2021

---

Dear Honorable Clarke:

Our office represents defendant the City of New York in the above-referenced matter. The instant matter arises out of an incident that occurred on November 18, 2021 at the East 34th Street Ferry Landing. Plaintiff alleges that the City of New York, as well as Hornblower Cruises and Events, LLC, Hornblower Metro Ferry, LLC, and Hornblower New York, LLC (collectively, the “Hornblower Defendants”), violated the Americans with Disabilities Act (“ADA”). The City of New York owns the subject ferry landing and the Hornblower Defendants operate the ferries.

We are writing regarding the Court’s recent order on April 18, 2024, granting the stay with respect to the Hornblower Defendants in light of their recent bankruptcy petition. In order to avoid duplicative discovery and expend additional resources to complete discovery, we respectfully request that the Court extend the stay as to the City of New York as well. For example, if the City of New York is compelled to proceed with discovery, then the City of New York and plaintiff will have to appear twice for depositions once the stay is lifted with respect to the Hornblower Defendants.

Furthermore, the City of New York has meritorious cross-claims against the Hornblower Defendants and as such, are entitled to discovery from them, which it cannot now obtain due to

The Honorable Jessica G. L. Clarke  
Our File No.: 11814-0006  
April 19, 2024  
Page 2

the stay. These cross-claims against the Hornblower Defendants are intricately intertwined with plaintiff's claims against the City of New York and cannot be decided upon without the proper discovery from all parties.

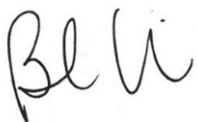
Lastly, given that the ADA allows for the prevailing party to recover attorneys' fees, expenses, and costs, compelling the City of New York to proceed without the Hornblower Defendants will cause the parties to incur additional costs which could be costly.

Accordingly, we respectfully request that the Court extend the stay as to the City of New York. I have discussed the matter with plaintiff's counsel and he consents to the stay being extended to the City of New York.

Thank you for your attention to this matter.

Very truly yours,

WOOD, SMITH, HENNING & BERMAN LLP

By:   
Bolam Kim

For the reasons stated herein, and based on Plaintiff's consent, the stay is extended to Defendant City of New York.

BK:bk

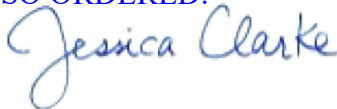
The Clerk of Court is directed to STAY this action and terminate ECF No. 41.

cc:

**Via ECF**

THE MARKS LAW FIRM, PC  
*Attorneys for Plaintiff*  
155 East 55th Street, Suite 4H  
New York, New York 10022  
(646) 770-3775  
[brad@markslawpc.com](mailto:brad@markslawpc.com)

SO ORDERED.



JESSICA G. L. CLARKE  
United States District Judge

Dated: April 22, 2024  
New York, New York

Darryn Solotoff, Esq.  
ELOVICH & ADELL

The Honorable Jessica G. L. Clarke  
Our File No.: 11814-0006  
April 19, 2024  
Page 3

*Attorneys for Plaintiff*  
164 West Park Avenue  
Long Beach, NY 11561  
(516) 432-6263  
[DS@lawsolo.net](mailto:DS@lawsolo.net)

ELLENOFF GROSSMAN & SCHOLE LLP  
Attn: Jennifer M. Schmalz, Esq.  
*Attorneys for Hornblower Defendants*  
1345 Avenue of the Americas, 11th Floor  
New York, New York 10105  
(212) 370-1300  
[JSchmalz@egsllp.com](mailto:JSchmalz@egsllp.com)

32496350.1:11814-0006